

R512. Human Services, Child and Family Services.

R512-301. Out of Home Services, Responsibilities Pertaining to a Parent or Guardian

R512-301-1. Purpose and Authority.

- A. The purposes of this rule are to clarify:
 - 1. Roles and responsibilities of the Division to a parent or guardian of a child receiving out of home services in accordance with R512-300, and
 - 2. Roles and responsibilities of a parent or guardian while a child is receiving out of home services.
- B. Sections 62A-4a-105 and 62A-4a-106 authorize the Division to provide out-of-home services and 42 USC Section 472 authorizes federal foster care. 42 USC Section 472 (2000), and 45 CFR Parts 1355 and 1356 (2000) are incorporated by reference.

R512-301-2. Definitions.

- The following terms are defined for the purposes of this rule:
- A. Division means the Division of Child and Family Services.
 - B. Out of Home Services means those services defined in Rule R512-300.
 - C. Reunification means safely returning the child to the parent or guardian from whom the child was removed by court order or through a voluntary placement.

R512-301-3. Division Roles and Responsibilities to a Parent or Guardian of a Child Receiving Out of Home Services when Reunification is the Primary Permanency Goal.

- A. The Division is responsible to make reasonable efforts to reunify a child with a parent or guardian when a court has determined that reunification is appropriate in accordance with Section 62A-4a-203 or when a child has been placed with the Division through a voluntary placement.
- B. The Division shall actively seek the involvement of the parent or guardian in the Child and Family Team process, including participation in establishing the Child and Family Team, completing an assessment, developing the Child and Family Plan, and selecting the child's primary and concurrent permanency goals as described in Section R512-300-4.
- C. The Child and Family Plan shall not only address child's strengths and needs, but shall also address the family's strengths and underlying needs. In accordance with Section 62A-4a-205, the plan shall identify specifically what the parents must do in order for the child to be returned home, including how those requirements may be accomplished behaviorally and how they shall be measured. Provisions of the plan shall be crafted by the Child and Family Team and designed to maintain and enhance parental functioning, care and familial connections.
- D. In accordance with Section 62A-4a-205, additional weight and attention shall be given to the input of the child's parent in plan development.
- E. The parent or guardian and the parent or guardian's legal counsel shall be provided a copy of the completed Child and Family Plan.
- F. The worker shall have regular contact with the parent or guardian to facilitate progress towards goal achievement as determined by the needs of the parent and the recommendations of the Child and Family Team. At a minimum, the worker shall visit the parent or guardian at least once per month.
- G. The Division shall make efforts to engage a parent or guardian in continuing contacts with the child, whether through visitation, phone, or written correspondence. Visitation requirements specified in Section R512-300-4 apply.

H. The Division shall also make efforts to engage a parent or guardian in appropriate parenting tasks such as attending school meetings and health care visits.

I. The parent or guardian has a right to reasonable notice and may participate in court and administrative reviews for the child in accordance with 42 USC Section 475(6) and Section 78-3a-314.

R512-301-4. Roles and Responsibilities of a Parent or Guardian of a Child Receiving Out of Home Services when Reunification is the Primary Permanency Goal.

In addition to responsibility to comply with orders made by the court, a parent or guardian has responsibility to:

- A. Participate in the Child and Family Team process.
- B. Provide input into the assessment and Child and Family Plan development process to help identify changes in behavior and actions necessary to enable the child to safely return home.
- C. Complete goals and objectives of the plan.
- D. Communicate with the worker about progress in completing the plan or regarding problems in meeting specified goals or objectives in advance of proposed completion time frames.
- E. Maintain communication and frequent visitation with the child in accordance with Section R512-300-4, when not prohibited by the court.
- F. Provide information necessary to determine the child's eligibility for Federal benefits while in care in accordance with Section R512-300-4, including information on household income, assets, and household composition.
- G. Provide financial support for the child's care in accordance with 42 USC Subsection 471(a)(19) and Sections 62A-4a-114 and 78-3a-906, unless deferred or waived as specified in R495-879.

R512-301-5. Guidelines for Making Recommendations for Reunification to the Court.

- A. In accordance with Section 62A-4a-205, when considering reunification, the child's health, safety, and welfare shall be the paramount concern.
- B. The Child and Family Team shall consider the following factors in determining whether to recommend that the court order reunification:
 - 1. The risk factors that led to the placement were acute rather than chronic.
 - 2. The family assessments (including factors such as the initial risk assessment, level of informal and formal supports available to the family, and family history, including past patterns of behavior) conclude that the parent appears to possess or have the potential to develop the ability to ensure the child's safety and provide a nurturing environment.
 - 3. The parent is committed to the child and indicates a desire to have the child returned home.
 - 4. The child has a desire for reunification as determined using age appropriate assessments.
 - 5. Members of the Child and Family Team support a reunification plan.
 - 6. If the parent is no longer living with the individual who severely abused the minor, reunification may be considered if the parent is able to implement a plan that ensures the child's on-going safety.
 - 7. Existence of factors or exceptions that preclude reunification as specified in Section 78-3a-311.

C. The Division shall provide additional relevant facts, when available, to assist the court in making a determination regarding the appropriateness of reunification services such as:

1. the parent's failure to respond to previous services or service plan;
2. the child being abused while the parent was under the influence of drugs or alcohol;
3. continuation of a chaotic, dysfunctional lifestyle;
4. the parent's past history of violent behavior;
5. the testimony of a competent professional or expert witness that the parent's behavior is unlikely to be successfully changed.

R512-301-6. Return Home and Trial Home Placement.

A. When a child and family's safety needs have been met and the original reasons and risks have been reduced or eliminated, the child may return home, when allowable by court order or in conjunction with provisions of a voluntary placement.

B. The Child and Family Team shall plan for the transition and return home prior to the child being returned.

C. The Division shall provide reasonable notice (unless otherwise ordered by the court) of the date child will be returning home to all pertinent parties such as child, parents, guardian ad litem, foster care provider, school staff, therapist, and partner agencies, so all parties can be adequately prepared for the return home.

D. Prior to and when the child is returned home, the Division shall provide services directed at assisting the child and family with the transition back into the home and contact relevant parties to that no further abuse or neglect is occurring.

E. If it is determined that the child and family require more intensive services to ensure successful reunification, intensive family reunification services may be utilized in accordance with Rule R512-100.

F. A child may be returned home for a trial home visit for up to 60 days. The trial home visit shall continue until the court has terminated agency custody.

R512-301-7. Voluntary Relinquishment of Parental Rights.

A. When it is not in a child's best interest to be reunified with the child's parents, the Division may explore with both parents the option of voluntary relinquishment in accordance with Section 78-3a-414.

B. If the child is Indian, provisions of the Indian Welfare Act, 25 USC Section 1915, incorporated by reference, shall be met.

R512-301-8. Termination of Parental Rights.

A. If a court determines that reunification services are not appropriate, the Division shall petition for termination of parental rights in accordance with 42 USC Section 475 (5)(E), 42 CFR 1356.21(i), and Section 62A-4a-203.5 unless exceptions specified in 42 CFR 1356.21(i)(2) or Subsection 62A-203.5(3) apply.

B. The Division shall document in the Child and Family Plan care by kin or a compelling reasons for determining that filing for termination of parental rights is not in the child's best interests and shall make the plan available to the court for review.

C. When the Division files a petition to terminate parental rights, the worker must also concurrently begin to identify, recruit, process, and seek approval of a qualified adoptive family for the child. These efforts must be documented in the Child and Family Plan as specified in

Section R512-300-4.

D. If the child is Indian, provisions of the Indian Welfare Act, 25 USC Section 1915, incorporated by reference, shall be met.

E. The Division shall not give approval to finalize an adoption until the period to appeal a termination of parental rights has expired.

KEY: social services, child welfare, domestic violence, foster care*, child abuse*
62A-4a-105